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high water

a floodplain management newsletter

Volume 28

June 1987



W. L. "Red" Harris, U.S. Army Corps of Engineers, demonstrates the proper way to pack a sandbag for a levee.

Flood fight workshop report

We enjoyed working on the flood fight workshops that were held this April. The workshops were held in conjunction with the State Disaster and Emergency Services Division, U.S. Army Corps of Engineers, and National Weather Service. Workshop attendance varied from fifteen to thirty participants per session. A wide variety of professions were represented; attending were

local government officials, floodplain administrators, local disaster and emergency service coordinators, county road crew workers, and firemen. We hope the workshops will help gain increased public support for local floodplain management programs. Participants commented they enjoyed the comprehensive coverage of flooding problems and the group participation approach to the workshops.

New legislation: a boost for floodplain management in Montana

Two new bills passed by the 1987 Legislature are a positive step for floodplain management in Montana. The first is House Bill 343, which allows the Board of Natural Resources and Conservation to adopt National Flood Insurance Program (NFIP) maps that delineate approximate 100-year floodplain areas. These areas are shown as zone A on the Flood Insurance Rate Maps or Flood Hazard Boundary Maps. The advantage of having the Board adopt these maps is that A-zones now fall under the jurisdiction of the Montana Floodplain and Floodway Management Act. Once the board has adopted the maps communities can cite the state floodplain law as their enabling legislation to adopt local floodplain management regulations. Enabling legislation has not been a problem for incorporated cities and towns. However, until now, counties where the Board had not adopted maps had to rely on temporary zoning to enforce floodplain management regulations.

The Board has previously adopted approximate A-zone delineations only if they were included along with a NFIP Flood

Insurance Study. The reason is that A-zone floodplain delineations are not based on actual field survey data. The 100-year floodplain area was determined by using U.S. Geologic Survey contour maps. A-zone floodplains show only the outline of the 100-year floodplain and do not include 100-year flood elevations. Since there are sometimes inaccuracies in this mapping method the board was unable to adopt these maps because there was no means to clear up these discrepancies. The new bill allows the maps to be disputed and corrected with justifiable evidence.

Counties whose A-zone maps were not adopted by the Board of Natural Resources and Conservation are listed below.

Broadwater County
Custer County
Glacier County
Park County
Treasure County

Please contact John Hamill or Deeda Richard if your county is interested in having the board adopt the A-zone maps (444-6646). A public hearing must be held in your

community before the Board can adopt the maps.

The other bill in support of floodplain management is HB 238. The bill states that communities with flood hazards identified by the Federal Emergency Management Agency must participate in the National Flood Insurance Program or the community will not be eligible for state-funded disaster assistance for the repair of public facilities.

A community must adopt floodplain management regulations in order to join the National Flood Insurance Program. The reason for this legislation is that the state cannot afford to make disaster assistance payments to a community that has not adopted regulations to reduce future flood damages. If local governments don't agree there is a flood problem, and don't want to regulate floodplain development, then they will be responsible for paying for flood repairs to public property. The community must make this choice.

Communities that have identified flood hazard areas, but have not joined the National Flood Insurance Program are listed below. A few of these areas have flood problems that

are minor; most have had some flooding problems, and several have received flood disaster assistance recently.

Town of Ekalaka
City of Forsyth
Garfield County
City of Glendive
Town of Jordan
Mineral County
Musselshell County
Town of Neihart
City of Polson
Powder River County
Prairie County
Roosevelt County
Rosebud County
Sanders County
City of Shelby
Town of Sheridan
Town of Sunburst

Some of these communities have already expressed interest in joining the flood insurance program. House Bill 343 will make it easier. We think this new legislation is more fair to the communities that have been participating in the NFIP and have been conscientiously managing their floodplains.

FEMA settles lawsuit with Louisiana parish

The U.S. Justice Department and St. Bernard Parish recently signed an agreement in which the parish will clean up its floodplain management program in exchange for the department's promise to drop a \$20 million lawsuit against local boards.

The Justice Department sued St. Bernard Parish on behalf of the Federal Emergency Management Agency (FEMA) to recover \$20 million in flood insurance claims the federal government had paid to local residents. FEMA claimed the parish granted variances to the agency's floodplain regulations and, therefore, should be liable for the damage caused by floods in 1978, 1980, and 1982. Local officials argued the damages were not due to the variances, but resulted from exceptional storms not anticipated by federal flood studies.

The complex agreement requires the parish, levee board, and state flood control agency to

make a number of policy changes and public improvements that will help limit future flood damage and property losses. The parish must establish a benchmark system for measuring land and flood elevations; inventory all nonconforming manufactured homes; strictly limit future variance approvals; develop new subdivision controls; and improve its record-keeping systems for code administration. The parish, levee board, and state agency have also agreed to construct new culverts, drainage improvements, and bulkheading to help reduce property damage in flood-prone areas. Developers must certify that all proposed buildings are elevated above projected flood levels.

David Farber, parish planning director, feels the agreement benefits the parish because it ends the expensive and time-consuming litigation, and has forced local elected officials to make a more serious commitment to land-use planning and floodplain

management. He feels the most controversial requirement locally is that the parish is identifying the owners of nonconforming manufactured homes. The owners fear their insurance will be cancelled if the parish turns their names over to FEMA. (Taken from *News and Views, Association of State Floodplain Managers, February 1987.*)

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FROM THE DECK YOU'LL
HAVE A LOVELY VIEW OF
THE MOUNTAIN STREAM
RUNNING THROUGH
THE BACK OF
YOUR LOT.



Giving out flood zone information

If you are the floodplain administrator for your community you probably get calls asking for flood zone information. We often get similar calls.

These calls can come from prospective buyers, realtors, developers, insurance agents, or government officials. Many calls seem to come from local lenders inquiring about property they are considering for a loan. You should be aware that the **lender** is required by law to be responsible for determining if improved property is in a floodplain zone when making a federal FHA, VA, or SBA loan or a federally guaranteed loan through the secondary mortgage market. If the property is in a special flood hazard zone, the lender must by law notify the borrower. The borrower is required to purchase flood insurance to cover the amount of a federally funded loan for structures in the floodplain. The lender must also inform the borrower whether or not federal disaster assistance will be available. If a community has been identified as flood-prone and does not participate in the National Flood Insurance Program, federal individual and family grant assistance will not be available.

We don't think it is a good idea to give out information over the phone. Often a person wanting flood zone information over the phone does not have a good legal description of the piece of land, or the parcel in question is very close to a floodplain zone. Try to get an accurate description of the property so you can send a photocopy of the map covering the area in question. The lender can then decide if the property is in or out of the floodplain.

Some lenders may want you to certify which floodplain zone the parcel is in. You

may decide to do this as a public service for the community. We suggest you ask that any requests for certification be in writing. Some communities in Montana have developed a form to use in answering these requests. Since it is the lender's legal responsibility to make this decision we suggest you put a disclaimer clause on your form so you or your organization can't be held liable. This may not be necessary if your organization is covered by a disclaimer clause.

If you get frequent requests from a certain person, you may want to order a set of maps for him. It would also be helpful to order a set for the lenders, insurance agents, and other permitting officials in your area. Map order blanks can be obtained from the Federal Emergency Management Agency and our office, or you can call the toll-free number listed below.

These calls for assistance give you an opportunity to make sure the developer obtains a permit for floodplain development. If new construction is involved, send a floodplain permit for the developer to complete. It also makes your job easier if you inform lenders that a permit is required for new construction, substantial improvements, or alterations to structures in the floodplain. You could give the lenders blank permit applications to hand out. What seems to be another unwanted phone call may actually be an opportunity for better floodplain management.

Toll free number for maps and other FEMA publications: 1-800-638-6620, Washington D.C.

Learn more about floodplain management — Order these publications from DNRC

Floodproofing Non-Residential Structures. Federal Emergency Management Agency. May 1986.

Retrofitting Flood-prone Residential Structures. Federal Emergency Management Agency. September 1986.

Elevated Residential Structures. Federal Emergency Management Agency. March 1984.

Cooperative Flood Loss Reduction, A Technical Manual For Communities and Industry. Flood Loss Reduction Associates. June 1981.

Floodplain Management Handbook. United States Water Resources Council. September 1981.

A Unified National Program for Floodplain Management. United States Water Resources Council. March 1986.

Going the extra nine yards for floodplain management

Most of you have other duties besides that of floodplain managers. We know you're busy. However, we hope you'll consider some of the following measures to help your community reduce flood losses.

- Future problems can be avoided by setting up a development review committee that meets regularly. Include your building inspector, zoning compliance officer, land use planner, sanitarian, disaster and emergency services coordinator, county road foreman, and your city or county engineer.
The disaster and emergency services coordinator may be concerned with the frequency of flooding and the evacuation plans needed. The road foreman or the engineer probably will be interested in proper drainage and culverts. Ask for

cooperation in local floodplain management.

- Contribute a flood disaster section for your community's emergency preparedness plan that uses floodplain management staff, provides regular training sessions, and identifies and ranks flood-prone areas.
- Cross reference your local zoning ordinances, subdivision ordinances, building codes, drainage ordinances, and floodplain ordinances.
- Transfer flood hazard mapping onto zoning maps, tax maps, and detailed topographic mapping. Zoning maps and floodplain mapping should be consistent; that is, the floodway should be zoned as open space where no new construction is allowed.
- Manufactured home parks and subdivisions are licensed by the Food and Consumer Safety Bureau of the Department of Health and Environmental Sciences. Use the required periodic inspections performed by county

sanitarians to review operation of parks for compliance with the elevating and anchoring standards of the floodplain ordinance. You should also send a certified letter to the park manager describing the flood hazard reduction standards for trailer homes.

- Work with local newspapers and TV and radio stations to (a) inform the public of flood damage potential, (b) publicize brochures on procedures for flood watch/warning, (c) suggest simple precautionary measures to reduce flood damages, and (d) promote preparedness/assistance programs.
- Contact local lending institutions, insurance agencies, realtors, and homebuilders associations to provide them with current information on floodplain development regulations, flood hazard mapping, and other assistance. Knowledgeable loan officers and insurance agents can provide considerable help in administering floodplain management programs. Ask for their cooperation.

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